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15 JUL 2007

In re Application of :
SANFILIPPO, James, J. et al. :
Application No.: 10/590,100 :
PCT No.: PCT/US2005/005006 :
Int. Filing Date: 17 February 2005 : NOTIFICATION
Priority Date: 17 February 2004 :
Attorney Docket No.: 4700/78 :
For: FLEXIBLE BAGS WITH LOCATORS :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 17 February 2005, applicant filed international application PCT/US2005/005006, which claimed a priority date of 17 February 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 August 2006.

On 17 August 2006, applicant submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 10 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration and the surcharge for late filing of the oath or declaration. The Notification indicated that the declaration listed John E. Sanfilipro (*sic.*) who was not listed on the international publication.

On 27 April 2007, applicants filed a second copy of the earlier filed declaration as a new application. The submission was assigned application no. 11/718,212.

DISCUSSION

The 27 April 2007 submission was misdirected and filed as a new application rather than as a submission for 10/590,100. A petition under 37 CFR 1.182 and petition fee of \$400 are required to fix this error.

Though the declaration and submission were misdirected to 11/718,212, this notification will address them. Applicant claims that the original Request form named John E. Sanfilippo. The Request form does not list "John E. Sanfilippo." Rather, it lists "James J. Sanfilippo" twice. Additionally, it is noted that while the Request form listed "James J. Sanfilippo," the international publication incorrectly listed James J. "Sanfilippo".

If an error was made in naming the inventive entity during the international phase, a request under 37 CFR 1.497(d) and the fee are required.

CONCLUSION

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and a petition under 37 CFR 1.182 within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in the abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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